

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. 1:10cr394
)
PROSCOVIA KAMPIRE NZABANITA)

POSITION OF THE UNITED STATES
WITH RESPECT TO SENTENCING FACTORS

In accordance with Section 6A1.2 of the Sentencing Guidelines and this Court's policy regarding guideline sentencing, the government hereby represents that it has reviewed the Probation Office's presentence report prepared in this matter and that it does not dispute any of the factors or facts set out therein.

The defendant's guilty plea was entered in this Court on November 8, 2010, pursuant to a plea agreement that provided that her sentence be imposed pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. The agreement also provided that, if the defendant's husband, Zachary Adam Chessier, entered a guilty plea in accordance with a separate plea agreement with the United States, then the United States would request and recommend with the defendant that a sentence that includes no incarceration is the appropriate disposition of this case.

As consideration for the government's agreement to recommend and request a sentence that includes no incarceration, the defendant agreed to relinquish any lawful immigration status in the United States, and to voluntarily remove herself from the United States in lieu of removal proceedings within 120 days of the day that she appeared in Court to enter her guilty plea in accordance with her agreement.

On October 20, 2010, Zachary Adam Chesser entered a guilty plea in accordance with a separate plea agreement with the United States. On November 8, 2010, the defendant relinquished any lawful immigration status in United States. Further, pursuant to her plea agreement, the defendant is required to voluntarily remove herself from the United States in lieu of removal proceedings within 120 days of November 8, 2010.

Accordingly, the United States requests and recommends with the defendant that a sentence that includes no incarceration is the appropriate disposition of this case. Since the Court accepted the defendant's guilty plea pursuant to Rule 11(c)(1)(C), the Court should now impose a sentence that includes no incarceration.

The Pre-Sentence Report reflects that the defendant lacks the means to pay a fine. As a result, this Court should sentence the defendant to probation and a special assessment.

Respectfully submitted,

Neil H. MacBride
United States Attorney

/s/

Gordon D. Kromberg
Assistant United States Attorney
Attorney for United States
U.S. Attorney's Office
2100 Jamieson Avenue
Alexandria, Virginia 22314
Phone: 703-299-3700
FAX: 703-299-3981
Email Address: gordon.kromberg@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of January 2011, I will electronically file the foregoing POSITION OF THE UNITED STATES WITH RESPECT TO SENTENCING FACTORS with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

David B. Smith
526 King Street, Suite 213
Alexandria, VA 22314

/s/

Gordon D. Kromberg
Assistant United States Attorney
Virginia Bar No. 33676
Assistant United States Attorney
Attorney for the United States
2100 Jamieson Avenue
Alexandria, VA 22314
(703) 299-3700
(703) 837.8242 (fax)
gordon.kromberg@usdoj.gov